THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No. 35048 OF 1998

Dated 18th April 2007

Between:

G.Krishnam Raju & others

…Petitioner

and

The District Collector, West Godavari District,
At Eluru & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 35048 OF 1998

O R D E R:

The petitioners are owners of agricultural land in different survey numbers of China Amiram village of Bhimavaram Mandal, West Godavari District. Respondents 5 and 6 are said to be the owners of neighbouring land. The grievance of the petitioners is that the respondents 5 and 6 have converted their land into prawn culture tanks, and thereby, the fertility of the lands of the petitioners is adversely affected. Petitioners allege that the respondents 1 to 4 have not evinced necessary amount of interest, in curbing such illegal activity, though an FIR was registered against respondents 5 and 6.

On behalf of respondents 1 to 3, a counter affidavit is filed, almost admitting the allegations of the petitioners that respondents 5 and 6 have undertaken prawn culture.

Heard the learned counsel for the petitioners, learned Government Pleader for Revenue, and Smt.N.Shoba, learned counsel for the respondents 5 and 6.

From a perusal of the copy of the FIR registered against the respondents 5 and 6, and the counter affidavit filed by respondents 1 to 3, it is evident that the respondents 5 and 6 did not obtain necessary permission, from the competent authority to convert their land into tank, for growing prawn. Having regard to the adverse affect, on account of such illegal activity, an FIR was registered against respondents 5 and 6. Learned counsel for respondents 5 and 6 is not able to state, as to how they are entitled to undertake such an activity.

In addition to the case registered against respondents 5 and 6, this court granted interim order, way back on 17.12.1998, prohibiting them from undertaking the prawn culture in their lands, in the neighbourhood of the lands of the petitioners. The said order is in operation, even as of now.

It is represented on behalf of respondents 5 and 6 that they have stopped their activity, in view of the orders of this court.

Hence, the writ petition is closed, by recording the statement made on behalf of respondents 5 and 6. It is directed that they shall not be entitled to undertake such activity, except by obtaining specific permission from the competent authority, under the relevant provision of law. There shall be no order as to costs.

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18th April 2007

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